

**HIGH COURT FOR THE STATE OF TELANGANA
(Special Original Jurisdiction)**

THURSDAY, THE TWELFTH DAY OF MARCH
TWO THOUSAND AND TWENTY

PRESENT

THE HONOURABLE SRI JUSTICE T.VINOD KUMAR

WRIT PETITION NO: 5583 OF 2020

Between:

Yadagiri Satyanarayana, S/o.Late Jeevaiah, Aged. about 60 years, Occ.Colle,
R/o.Pothureddypalli Village, Pinapaka Mandal, Bhadradi Kothagudem District

...PETITIONER

AND

1. The State of Telangana, rep. by its Principal Secretary for Tribal Welfare,
Secretariat, Hyderabad
2. The District Collector, Bhadradi Kothagudem District. Head quarter at
Kothagudem
3. The Additional Agent to Government and Project Officer, I.T.D.A Bhadrachalam,
Bhadradi Kothagudem District
4. The Special deputy Collector(TW), Bhadrachalam, Bhadradi Kothagudem
District
5. The Tahsidar, Pinapaka Mandal, Bhadradi Kothagudem District
6. Munigala Rama Rao, S/o.Pottaiah, Aged. Major, Occ.Agriculture
R/o.Pothureddypalli Village, Pinapaka Mandal, Bhadradi Kothagudem District

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus, to declare the action of the 3rd respondent in not disposing the petitioner's C.M.A and stay petition filed in the month of January,2020 against the order dated 20-11-2019 in L.T.R. Case No.48/2019/PNK passed by the 4th respondent directed the 5th respondent to take over possession of his house No.7-54/3, admeasuring 0-02 cents in Sy.No.943, situated at Edulla Bayyaram Village, Pinapaka Mandal, Bhadradi Kothagudem District and hand over to the 6th respondent by way of panchanama though the petitioner is the absolute owners and possessors of the houses as illegal , arbitrary and violation of principles of natural justice and violation of Articles 14,19,21, and 300-Aof the Constitution of India and consequently direct the 3rd respondent to dispose of CMA and stay petition

IA NO: 1 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct Respondents not to interfere with the peaceful possession and enjoyment of the petitioners house No.7-54/3, admeasuring 0-02 cents Sy.No.943, situated at Edulla Bayyaram Village Pinapaka Mandal, Bhadradi Kothagudem District pending disposal of the above said petition

Counsel for the Petitioner: SRI. PULLA RAO YELLANKI

Counsel for the Respondents No1,2,4 to 5: GP FOR SOCIAL WELFARE (TG)

Counsel for the Respondents No.3 :GP FOR ITDA

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE T.VINOD KUMAR

WRIT PETITION No.5583 of 2020

ORDER:

The present writ petition is filed to declare the action of the 3rd respondent in not disposing of the petitioner's appeal and stay application, filed in the month of January, 2020, against the order, dated 20.11.2019, in L.T.R.Case No.48 of 2019 passed by the 4th respondent directing the 5th respondent to take over possession of his house No.7-54/3, admeasuring Ac.0.02 cents in Survey No.943, situated at Edulla Bayyaram Village, Pinapaka Mandal, Bhadradi Kothagudem District, as illegal and arbitrary.

2. Heard learned counsel for the petitioner and learned Government Pleader for Social Welfare.

3. The petitioner is stated to have filed an appeal, along with an application for stay, before the 3rd respondent, being aggrieved by the order passed by the 4th respondent and that the same is pending consideration by the said authority since January, 2020.

4. Having regard to the fact that the petitioner has availed the remedy of appeal provided under the statute against the order passed by the 4th respondent, this Court is of the view that the 3rd respondent authority can be directed to dispose of the stay application filed along with the CMA within a time frame.

5. In view of the above, without going into the merits of the matter, the 3rd respondent is directed to dispose of the stay application filed in the CMA, on 20.01.2020, within a period of two weeks from the date of receipt of a copy of this order. Pending disposal of such stay application,

the parties are directed to maintain *status quo* existing as on today as regards the property in question.

6. Subject to the above observation, the writ petition is disposed of. Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

Sd/- K AMMAJI
ASSISTANT REGISTRAR
SECTION OFFICER

//TRUE COPY//

To,

1. The State of Telangana Principal Secretary for Tribal Welfare, Secretariat, Hyderabad
2. The District Collector, Bhadrachalam District, Head quarter at Kothagudem
3. The Additional Agent to Government and Project Officer, I.T.D.A Bhadrachalam, Bhadrachalam District
4. The Special deputy Collector (TW), Bhadrachalam, Bhadrachalam District
5. The Tahsildar, Pinapaka Mandal, Bhadrachalam District
6. One CC to Sri. Pulla Rao Yellanki Advocate [OPUC]
7. Two CCs to GP for Social Welfare (TG) ,High Court for the State of Telangana. [OUT]
8. Two CCs to GP for ITDA, High Court for the State of Telangana. [OUT]

9. Two CD Copies
SSV

HIGH COURT

TVKJ

DATED:12/03/2020

ORDER

WP.No.5583 of 2020



DISPOSING OF THE WP
WITHOUT COSTS

AVF
12 Copies
21/4/20